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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,756	05/02/2001	Charles E. Bess	93-00-002	6066
7590	04/11/2005		EXAMINER	
David G. Wille, Esq. baker Botts L.L.P. Suite 600 2001 Ross Avenue Dallas, TX 75201			HECK, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 04/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/847,756	BESS, CHARLES E.
	Examiner	Art Unit
	Michael C. Heck	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 May 2001.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 May 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. The following is a First Office Action in response to the application filed 02 May 2001. Claims 1-34 are pending in this application and have been examined on the merits as discussed below.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

- On page 18, lines 5-6, delete "the teams then conference to at a decisional step 59 and consider", and insert -- the teams then conference at a decisional step 59 **to** consider --.

The above citation is a mere guide. Applicant is requested to review the specification thoroughly to eliminate additional errors. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-34** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For the process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. In the present case, **claims 1, 12, 19 and 27** only recites an abstract idea. As to **claim 1**, the recited steps of separating a plurality of persons into first and second groups; communicating an issue to each of the groups, wherein the issue relates to a problem to be addressed by the groups; evaluating, by each group independently of the other group, the issue that is communicated to the groups; caucusing, by the groups, such that a consensus on an evaluation of the issue is reached; generating, by each group independently of the other group, a proposed strategy for addressing the problem; caucusing, by the groups such that a consensus is reached on the proposed strategy; and initiating the selected proposed strategy that represents a consensus among the groups does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for process, therefore, is deemed to be directed to non-statutory subject matter. As to **claim 12**, the recited steps of separating a plurality of persons into first and second groups; communicating an issue to each of the groups, wherein the issue relates to a problem to be addressed by the groups; evaluating, by each

group independently of the other group, the issue that is communicated to the groups; caucusing, by the groups, such that a consensus on an evaluation of the issue is reached; generating, by each group independently of the other group, a proposed strategy for addressing the problem; caucusing, by the groups such that a consensus is reached on the proposed strategy; and initiating the selected proposed strategy that represents a consensus among the groups, the selected proposed strategy being reflected in the article of manufacture does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for an article of manufacture prepared by a process, therefore, is deemed to be directed to non-statutory subject matter. As to **claim 19**, the recited steps of identifying a plurality of subtasks, each having an associated result; assigning a plurality of groups of persons to at least one of the subtasks in order to generate the associated result; generating, by each group independently of the other, a proposed strategy for addressing the business task; caucusing, by the groups, resulting in a consensus on the proposed strategy; and initiating the selected proposed strategy that represents a consensus among the groups, the selected proposed strategy being associated with completion of the business task does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for performing a business task, therefore, is deemed to be directed to non-statutory subject matter. As to **claim 27**, the recited steps of accessing requirement information associated with software

development from a client; separating a plurality of persons into first and second groups; communicating a software-related issue to each of the groups, wherein the issue relates to a software problem to be addressed by the groups; evaluating, by each group independently of the other, the issue that is communicated to the groups; caucusing, by the groups such that a consensus on an evaluation of the issue is reached; generating, by each group independently of the other, a proposed strategy for addressing the software problem; caucusing, by the groups, such that a consensus on the proposed strategy is reached; and initiating the selected proposed strategy that represents a consensus among the groups does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. The method only constitutes an idea for generating computer software, therefore, is deemed to be directed to non-statutory subject matter.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implications of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble. In the present case, none of the recited steps are directed to anything in the technological arts as explained above. Looking at the claim as a whole, nothing in the body of the claim recites any structure or functionality to suggest that a computer performs the recited steps. Therefore, the preamble is taken to merely recite a field of use.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention of **claims 1, 12, 19 and 27** produces a useful result (i.e., process, an article of manufacture prepared by a process, a method for performing a business task, and a method of generating computer software), but does not produce a concrete and tangible result since the claimed invention consist solely of the manipulation of an abstract idea. The process, article of manufacture prepared by a process, method for performing a business task, and method of generating computer software is simply an organizational approach to resolving a problem. Even though a proposed strategy is initiated, the proposed strategy can vary according to the selection of people for the groups even when the problem as initially presented is the same.

Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While **claims 8 and 17** recite the plan is in a computer readable form, this amounts to only recording information where nothing is done (i.e., computing) to breathe life into the invention.

Since the claimed invention, as a whole, is not within the technological arts as explained above, and the recited processes do not produce a useful, concrete, and tangible result, the same rejection as stated above for claims 1, 12, 19 and 27 applies to **claims 2-11, 13-18, 20-26 and 28-34.**

Art Unit: 3623

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-4, 12-14, 18, 22-23 and 27-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelen (Thelen, Integrating process improvement, ISO 9000 and TQM in SITA Research and Development, The TQM Magazine, Vol. 9, Issue 4, 1997, start pp 265 [PROQUEST]) in view of Tinnirello (Tinnirello, Project Management, CRC Press LLC, 1999, Chapters 11). Thelen discloses a system and method for organized project development comprising:

- [Claim 1] separating a plurality of persons into first and second groups (Para 14 and 15, Thelen teaches implementation and actions teams (I-Team and A-teams), Middle management, section managers five in number, rounded out the I-team. A-teams comprised appropriate R&D (Research and Development) members.);
- communicating an issue to each of the groups, wherein the issue relates to a problem to be addressed by the groups (Para 20-22, Thelen teaches the I-team's first task was to validate a high-level departmental business model or blueprint of R&D. The I-team formed itself into an A-team to test the process of process definition on a function. The team experienced separation pains. A solution was found in aligning A-teams by location, Geneva, Nice, and Atlanta. The Examiner interprets the A-teams by location worked on the same issue.);
- evaluating, by each group independently of the other group, the issue that is communicated to the groups (Para 22, Thelen teaches the Geneva, Nice, and Atlanta A-teams collaborated locally and then posted their results in a shared Lotus Notes database for each other's review.);
- caucusing, by the groups, such that a consensus on an evaluation of the issue is reached (Para 22, Thelen teaches I-team videoconferences were

then aimed at pulling all views together in a common definition through discussion and consensus-building.);

Thelen fails to teach generating, by each group independently of the other group, a proposed strategy for addressing the problem; caucusing, by the groups such that a consensus is reached on the proposed strategy; and initiating the selected proposed strategy that represents a consensus among the groups. Thelen teaches the organizational structure established to implement the quality process was patterned after that described in ISO 9000, comprising a project sponsor, project facilitator, and implementation and actions teams. The project sponsor, the R&D department director, provided management support, directions and commitment. The I-team's first task was to validate a high-level departmental business model or blueprint of R&D. The I-team formed itself into an A-team to test the process of process definition on a function. The team experienced separation pains. A solution was found in aligning A-teams by location, Geneva, Nice, and Atlanta. A-teams would deliver process definitions to R&D members for trial. Feedback from the trials would guide the I-team in planning subsequent process definitions cycles. Several process definitions cycles later, the I-team endorsed a model comprising eight technical R&D functions (Para 14-15 and 20-23). Tinnirello teaches within a total quality management environment, empowered work teams typically initiate projects. These cross-functional groups of employees define the problem and then develop and implement a solution. Empowered work teams typically begin their projects by defining a problem statement. This seemingly simple but frequently complicated step is essential to ensuring that all team members share a common understanding of the task they are undertaking.

Once the problem has been clearly identified, the team begins to analyze it, determining the causes for the problem. Only after the causes have been outlined and ranked according to importance does the team seek solutions (Chapter 11, pp. 127-128). The Examiner interprets Tinnirello as teaching how an empowered team functions, that is the process employed within the team to include implementing the solution. Thelen teaches how teams can spawn multiple teams to work an issue, such as having independent teams working the same problem based on location, then coming together to reach a consensus. Therefore, the combination teaches multiple teams, such as by location, coming to a consensus working on the different phases of the teaming process through to implementation. It would have been obvious to one of ordinary skill in the art to employ the teaming process of Tinnirello with the teachings of Thelen since Thelen teaches that it is old and well known to use teams as described in ISO 9000 to implement the quality process (Para 14). The TQM culture is critical to delivering what the customer wants without defects in the shortest possible time. Tinnirello teaches TQM is based on continuous improvement. Instead of assuming the traditional role of managing and controlling projects, IS professionals must become team players, taking on different roles in different project phases and developing partnerships with IS customers and suppliers (Chapter 11, pp. 125 and 137). Thelen teaches ISO 9000 is a milestone along the path of continuous improvement, itself a component of TQM. ISO9000 brings the corporation competitive advantages (Para 29). Therefore, TQM, continuous improvement, and delivering what the customer wants

without defects in the shortest possible time are linked to the success of the company in a competitive environment.

- **[Claim 2]** the communicating step is performed by a client, and wherein the client also communicates requirement information relating to the issue to the groups, the requirement information defining parameters associated with the issue (Tinnirello: Chapter 11, Exhibit 11.2, Tinnirello teaches the primary roles and responsibilities of the IS professional, Customer, and Supplier by project phase to include the customer being the leader in outlining the problem to be solved and defining requirements and proposed solutions.).
- **[Claim 3]** the selected one of the strategies corresponds to a plan operable to guide an execution thereof, and wherein portions of ideas contributed by each of the groups are selectively incorporated into the plan (Tinnirello: Chapter 11, pp. 127-128, Tinnirello teaches within a total quality management environment, projects are typically initiated by empowered work teams. These cross-functional groups of employees define the problem and then develop and implement a solution. Empowered work teams typically begin their projects by defining a problem statement. This seemingly simple but frequently complicated step is essential to ensuring that all team members share a common understanding of the task they are undertaking. Once the problem has been clearly identified, the team begins to analyze it, determining the causes for the problem. Only after the causes have been outlined and ranked according to importance does the team seek solutions.).
- **[Claim 4]** providing a feedback loop operable to re-direct the groups to a previous one of the steps in response to one of a new condition and a modified parameter, wherein the new condition and the modified parameter are associated with the issue (Thelen: Para 15, Thelen teaches feedback from the trials would guide the I-team in planning subsequent process definition cycles.).

**Claims 12-14, 18, 22-23 and 27-30** substantially recite the same limitations as that of claims 1-4 with the distinction of the recited process being an article of manufacture and a method. Hence the same rejection for claims 1-4 as applied above applies to claims 12-14, 18, 22-23 and 27-30.

**Claims 5-11, 15-17, 19-21, 24-26 and 31-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelen (Thelen, Integrating process improvement, ISO 9000 and TQM in SITA Research and Development, The TQM Magazine, Vol. 9, Issue 4, 1997, start pp 265 [PROQUEST]) and Tinnirello (Tinnirello, Project Management, CRC Press LLC, 1999, Chapters 11 ) in view of Biggs (Biggs, Pair Programming: Development Times Two, InfoWorld, 24 July 2000 [PROQUEST]). As to claim 5, Thelen and Tinnirello disclose a system and method for organized project development but fail to teach re-organizing the persons into third and fourth groups, wherein the third and fourth groups are different from the first and second groups, and wherein the re-organizing step is operable to be implemented at any one of the steps. Biggs teaches programmers may only be paired to work on a single module or particular function, for example, and would then be free to move to different teams later. If during the course of coding the partners find that they need help with a particular coding issue the members can ask to form a new pair to look at the problem. Usually one of the original two will join a different pair while one stays behind to address the issue with a different developer. The Examiner interprets the process to create two new teams (Para 5 and 6). It would have been obvious to one of ordinary skill in the art to incorporate the pair programming of Biggs with the teachings of Thelen and Tinnirello since Tinnirello teaches systems development in a TQM company (Chapter 11, Title, pp. 125). Fully understanding the scope of a project is key to being able to evaluate whether a solutions meets or exceed the expectations. Primary roles and responsibilities of the IS professional, customer, and supplier by project phase has the

customer as the leader in the initiation and analysis phase to outline problems to be solved and define requirements (Tinnirello: Chapter 11, Exhibit 11.2, pp. 128). Before a project begins, the project team holds meetings in which team members simulate the interrelation of all known objects (Biggs: Para 4). Therefore, fully understanding the requirements of the project, allows for standards to be established evaluating success.

- **[Claim 6]** the issue is a task in a business environment that is associated with computer software, and wherein the selected one of the strategies is a response associated with accomplishing the task (Biggs: Para 2, Biggs teaches a relatively new coding philosophy called pair programming – part of the extreme programming, or XP, approach – claim that, by teaming developers into small, two-person units, you can not only improve the quality of your applications but also increase developer satisfaction.).
- **[Claim 7]** the plan is a written document (Thelen: Para 23, Thelen teaches in employing functional analysis and brainstorming techniques the I-team detailed each function, identifying output, customers, customer's requirements, process owner, participants and stakeholders, inputs and suppliers as well as flowcharting major process steps using Visio 4.0 software. Resisting the temptation to refine definitions endlessly, the I-team declared the functional model complete after seven months of group effort. The Examiner interprets the model to be a written document, i.e., flowchart.).
- **[Claim 8]** the plan is in a computer readable form (Thelen: Para 23, Thelen teaches in employing functional analysis and brainstorming techniques the I-team detailed each function, identifying output, customers, customer's requirements, process owner, participants and stakeholders, inputs and suppliers as well as flowcharting major process steps using Visio 4.0 software. Resisting the temptation to refine definitions endlessly, the I-team declared the functional model complete after seven months of group effort. The Examiner interprets the model to be in a computer readable form, i.e., flowchart.).
- **[Claim 9]** the plan is modified in response to input from the client (Tinnirello: Chapter 11, pp. 130, Tinnirello teaches customer satisfaction should never be compromised. During the recommendation stage, it is essential that the IS representative help team members make decisions that reflect customer's needs, regardless of their impact on the IS organization.).

- [Claim 10] the plan includes graphical illustrations that facilitate an understanding of the plan (Thelen: Para 23, Thelen teaches in employing functional analysis and brainstorming techniques the I-team detailed each function, identifying output, customers, customer's requirements, process owner, participants and stakeholders, inputs and suppliers as well as flowcharting major process steps using Visio 4.0 software. Resisting the temptation to refine definitions endlessly, the I-team declared the functional model complete after seven months of group effort. The Examiner interprets the model to be in a graphical illustration form, i.e., flowchart.).
- [Claim 11] constructing and implementing the plan, wherein the constructing step includes development of applications associated with the plan, and wherein the implementing step includes installation of elements that facilitate execution of the plan (Biggs: Para 7 and 8, Biggs teaches the during the coding process, XPers also practice a technique called refactoring. This involves constantly working to simplify the code, thereby making it as concise as possible. The final step is to run all the unit tests as well as the functional tests. Tinnirello: Chapter 11, Exhibit 11.2, Tinnirello teaches the roles of the IS professional, customer, and supplier in the implementation phase or rollout solution phase.).
- [Claim 19] identifying a plurality of subtasks, each having an associated result (Biggs, Para 4 and 5, Biggs teaches that before a project begins, the project team holds meetings in which team members simulate the interrelation of all known objects, using the CRC cards as visual aids. By depicting objects as individual entities, complex constructs can be simplified into a clear design. The result of a CRC session is a list of small tasks that must be performed.);
- assigning a plurality of groups of persons to at least one of the subtasks in order to generate the associated result (Biggs, Para 5, Biggs teaches developers are paired up, and each pair defines a unit test for its assigned task.);
- generating, by each group independently of the other, a proposed strategy for addressing the business task (Thelen: Para 14-15 and 20-23, Thelen teaches the organizational structure established to implement the quality process was patterned after that described in ISO 9000, comprising a project sponsor, project facilitator, and implementation and actions teams. The project sponsor, the R&D department director, provided management support, directions and commitment. The I-team's first task was to validate a high-level departmental business model or blueprint of R&D. The I-team formed itself into an A-team to test the process of process definition on a function. The team experienced separation pains. A solution was found in

aligning A-teams by location, Geneva, Nice, and Atlanta. The Geneva, Nice and Atlanta A-teams collaborated locally and then posted their results in a shared Lotus Notes database for each other's review. A-teams would deliver process definitions to R&D members for trial. Feedback from the trials would guide the I-team in planning subsequent process definitions cycles. Several process definitions cycles later, the I-team endorsed a model comprising eight technical R&D functions.);

- caucusing, by the groups, resulting in a consensus on the proposed strategy (Thelen: Para 22, Thelen teaches I-team videoconferences were then aimed at pulling all views together in a common definition through discussion and consensus-building.); and
- initiating the selected proposed strategy that represents a consensus among the groups, the selected proposed strategy being associated with completion of the business task (Tinnirello: Chapter 11, pp. 127-128, Tinnirello teaches within a total quality management environment, projects are typically initiated by empowered work teams. These cross-functional groups of employees define the problem and then develop and implement a solution. Empowered work teams typically begin their projects by defining a problem statement. This seemingly simple but frequently complicated step is essential to ensuring that all team members share a common understanding of the task they are undertaking. Once the problem has been clearly identified, the team begins to analyze it, determining the causes for the problem. Only after the causes have been outlined and ranked according to importance does the team seek solutions.).
- **[Claim 20]** the subtasks are selected from the group consisting of: a definition step, an analysis step, and a design step, wherein an issue associated with the result is defined at the definition step, the issue being evaluated at the analysis step with a set of proposed strategies relating to the issue being generated at the design step (Biggs, Para 4 and 5, Biggs teaches that under the XP model much of the project design work is guided by CRC (class, responsibility, and collaboration) cards – slips of paper that represent objects in a given project. Each card lists the class, responsibilities, and collaborating classes of an object. Before a project begins, the project team holds meetings in which team members simulate the interrelation of all known objects, using the CRC cards as visual aids. By depicting objects as individual entities, complex constructs can be simplified into a clear design. The result of a CRC session is a list of small tasks that must be performed.).
- **[Claim 21]** each step comprises at least two groups of persons engaged in the associated step (Thelen: Para 14-15 and 20-23, Thelen teaches the organizational structure established to implement the quality process was

patterned after that described in ISO 9000, comprising a project sponsor, project facilitator, and implementation and actions teams. The project sponsor, the R&D department director, provided management support, directions and commitment. The I-team's first task was to validate a high-level departmental business model or blueprint of R&D. The I-team formed itself into an A-team to test the process of process definition on a function. The team experienced separation pains. A solution was found in aligning A-teams by location, Geneva, Nice, and Atlanta. The Geneva, Nice and Atlanta A-teams collaborated locally and then posted their results in a shared Lotus Notes database for each other's review. A-teams would deliver process definitions to R&D members for trial. Feedback from the trials would guide the I-team in planning subsequent process definitions cycles. Several process definitions cycles later, the I-team endorsed a model comprising eight technical R&D functions.).

**Claims 15-17, 24-26 and 31-34** substantially recites the same limitations as that of claims 5-9 and 11 with the distinction of the recited process being an article of manufacture and a method. Hence the same rejection for claims 5-9 and 11 as applied above applies to claims 15-17, 24-26 and 31-34.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (571) 272-6730 (before 4/12/2005 the telephone number is (703)-305-8215). The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 273-6729 (before 4/12/2005 the telephone number is (703)-305-9643). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose

telephone number is (571) 272-6584 (before 4/12/2005 the telephone number is (703)-308-1113).

Any response to this action should be mailed to:

**Director of the United States Patent and Trademark Office**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

Or faxed to:

**(703) 872-9306** [Official communications; including After Final communications labeled "**Box AF**"]

**(571) 273-6730** [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"] (before 4/12/2005 the telephone number is (703)-746-9419)

Hand delivered responses should be brought to 220 South 20<sup>th</sup> Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch  
05 April 2005



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600